THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION Nos.11154 AND 10293 OF 2005

Dated: 14.12.2005

Between

Raja Penchalaiah, Occ: Fair Price Shop Dealer, R/o. 11/123, Vigneswarapuram, Podalakur Village & Mandal, Nellore District.

...PETITIONER

AND

The District Collector, Nellore District, Nellore and others.

...RESPONDENTS

COMMON ORDER:

These writ petitions have been filed by the same petitioner questioning the proceedings dated Rc.No.E.85/2005 dated 24.03.2005 of the District Collector – first respondent in creating a new fair price shop in Podalakur Village & Mandal, Nellore District by bifurcating the existing four fair price shop and removing 276 cards from the petitioner's fair price shop.

The petitioner filed W.P.No.10293 of 2005 through counsel Mr. Sai Gangadhar Chamarty and second W.P.No.11154 was filed through another counsel Mr. S. Sharath Kumar. In fact, in the earlier writ petition counter has been filed stating that on the representation made by the cardholders of Vigneswarapuram, the Mandal Revenue Officer, Podalakur and the Revenue Divisional Officer, Nellore submitted proposals for bifurcation as per guidelines issued by the Government in Memo No.148/CS-I/99-1 dated 22.01.1999 of FCS&C (CS-I) Department and as per the said proposals 309 cards were to be withdrawn from different fair price shops to create a new fair price shop. It is further

stated that 276 cardholders of Vigneswarapuram area are drawing essential commodities from the 4 fair price shops of Podalakur i.e. Narasireddy colony and Ramamandiram area which are located far away from their residences, which is causing inconvenience to their agricultural operations and therefore, for the benefit of the cardholders and keeping in view the guidelines a new fair price shop was opened on temporary basis allotting the writ petitioner's cards to the new shop and 281 cards pertaining to other area were kept with the petitioner. Therefore, the petitioner cannot have any grievance in the creation of a new fair price shop. However, the petitioner has filed W.P.No.11154 of 2005 suppressing the filing of W.P.No.10293 of 2005.

I am of the opinion that the petitioner has not approached the Court with clean hands and even otherwise on merits, this Court does not find any infirmity legal or otherwise in the impugned proceedings for creation of new fair price shop by bifurcating the existing four fair price shops and also no vested right or interest of the petitioner has been taken away in creating new fair price shop.

The writ petitions are accordingly dismissed.

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V. ESWARAIAH, J

December 14, 2005

DSK